

UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE: JAMES P. SCHOLZE and : CHAPTER 13
LAURA E. SCHOLZE :
Debtor(s) :
CHARLES J. DEHART, III :
STANDING CHAPTER 13 TRUSTEE :
Movant :
vs. :
JAMES P. SCHOLZE and :
LAURA E. SCHOLZE :
Respondent(s) : CASE NO. 1-20-bk-01416

TRUSTEE'S OBJECTION TO AMENDED CHAPTER 13 PLAN

AND NOW, this 28th day of January, 2021, comes Charles J. DeHart, III, Standing Chapter 13 Trustee, and objects to the confirmation of the above-referenced debtor(s)' plan for the following reason(s):

1. Debtor(s)' plan violates 11 U.S.C. Sec. 1322(a)(1) in that the debtor(s) has not submitted all or such portion of the disposable income to the Trustee as required. More specifically,

Trustee alleges and avers that debtor(s)' disposable income is greater than that which is committed to the plan based upon the Means Test calculation and specifically disputes the following amounts:

- a. Retirement loan (verification) – Line 41.
- b. Plan payment calculation sum of Lines 34, 35, 36, 45 and 46.

2. The Trustee avers that debtors' plan is not feasible based upon the following:
 - a. Plan ambiguous – Payment (Second payment tier requires 39.77 payments);
 - b. Plan ambiguous – Payment (Third payment tier requires 20 payments but last only 19 months.)

WHEREFORE, Trustee alleges and avers that debtor(s) plan is nonconfirmable and therefore Trustee prays that this Honorable Court will:

- a. Deny confirmation of debtor(s) plan.
- b. Dismiss or convert debtor(s) case.
- c. Provide such other relief as is equitable and just.

Respectfully submitted:

/s/Charles J. DeHart, III
Standing Chapter 13 Trustee
8125 Adams Drive, Suite A
Hummelstown, PA 17036
(717) 566-6097

CERTIFICATE OF SERVICE

AND NOW, this 28th day of January, 2021, I hereby certify that I have served the within Objection by electronically notifying parties or by depositing a true and correct copy of the same in the United States Mail at Harrisburg, Pennsylvania, postage prepaid, first class mail, addressed to the following:

E. Haley Rohrbaugh, Esquire
135 North George Street
York, PA 17401

/s/Deborah A. Behney
Office of Charles J. DeHart, III
Standing Chapter 13 Trustee